

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

OTIS CLARKSON,

Plaintiff,

v.

**MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

Case No. 23-CV-03777-SPM

MEMORANDUM AND ORDER

McGLYNN, District Judge:

Before the Court is the parties' Agreed Motion to Remand to the Commissioner of Social Security under sentence four of 42 U.S.C. § 405(g). (Doc. 25). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Perlman v. Swiss Bank Corp. Comprehensive Disability Prot. Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of the plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302–03 (1993).

The parties agree that, upon remand, the Appeals Council will vacate all findings in the Administrative Law Judge's ("ALJ") decision and remand the matter to an ALJ. On remand, the ALJ should evaluate any medical opinions and the RFC findings; if warranted, obtain additional vocational expert testimony; take any further action needed to complete the administrative record resolving the afore-

mentioned issues; offer Plaintiff Clarkson the opportunity for a hearing; and issue a new decision.

Clarkson applied for Disability Insurance Benefits and Supplemental Security Income and received an unfavorable decision on August 18, 2020. (Docs. 2, 10, 18). After remand, Clarkson again received an unfavorable decision on July 21, 2023. (Docs. 2, 10, 18). While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Agreed Motion to Remand (Doc. 25) is **GRANTED**. The final decision of the Commissioner of Social Security denying Plaintiff's application for social security disability benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of Plaintiff.

IT IS SO ORDERED.

DATED: August 19, 2024

s/ Stephen P. McGlynn
STEPHEN P. McGLYNN
U.S. District Judge